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Human rights questions: implementation of human rights instruments

Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that the World Conference on Human Rights, held at Vienna in 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention, and called for the early adoption of an optional protocol to the Convention

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 3452 (XXX), annex.

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against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was intended to establish a preventive system of regular visits to places of detention,[4]

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[5] in particular, the section relating to freedom from torture, in which it was stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[6]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources for assistance to victims of torture and effective remedies for their physical, psychological and social rehabilitation, *inter alia*, by additional contributions to the Fund,[7]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

1. *Welcomes* the report of the Committee against Torture,[8] submitted in accordance with the provision of article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and authorizes the Secretary-General to extend the spring sessions of the Committee by one additional week on a regular basis;

2. *Notes with appreciation* that one hundred and six States have become parties to the Convention;

3. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

4. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and that have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

5. *Urges* all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

6. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention in view of the high number of reports not submitted, and invites States Parties to incorporate a gender perspective when submitting reports to the Committee;

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[4] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.

[5] A/CONF.157/24 (Part I), chap. III.

[6] Ibid., chap. III, sect. II, paras. 54–61.

[7] Ibid., para. 59.

[8] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 44* (A/53/44).

7. *Commends* the Office of the United Nations High Commissioner for Human Rights for the support given to States in the preparation of national reports to the Committee;

8. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

9. *Takes note* of the progress made by the open-ended working group of the Commission on Human Rights on the elaboration of an optional protocol to the Convention with a view to establishing a preventive system of regular visits to places of detention, and urges the Commission on Human Rights to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

10. *Welcomes* the interim report presented orally by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, describing the overall trends and developments with regard to his mandate;

11. *Calls on* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals, to respond positively to his requests to visit their countries and to give appropriate effect to his recommendations;

12. *Approves* the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his report, and expresses its appreciation of the continuing discrete and independent way in which he carries out his work;

13. *Stresses* the need for regular exchanges of views between the Committee against Torture, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, *inter alia*, by improving their coordination;

14. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. *Appeals* to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, preferably by the end of February, and if possible also with a substantial increase in the level of contributions, so that consideration may be given to the increasing demand for assistance;

16. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

17. *Requests* the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

18. *Expresses its appreciation* to the Board of Trustees of the Fund for the work it has accomplished;

19. *Requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund

and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

20. *Requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture and assist victims of torture, corresponding to the strong support expressed by Member States for combating torture and assisting victims of torture;

21. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison personnel and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

22. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June United Nations International Day in Support of Victims of Torture;

23. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session a report on the status of the Convention as well as a report on the operations of the Fund;

24. *Decides* to consider the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur at its fifty-fourth session under the sub-item entitled "Implementation of human rights instruments".